

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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H. LEE HORNBECK, GREGORY
F. HURLEY and STEPHAN GAIS,

Civil Action No.: 11CV6605 (BSJ)

Plaintiffs,

DECLARATION OF GREGORY F. HURLEY

- Against

FUSIONTECH, INC.,

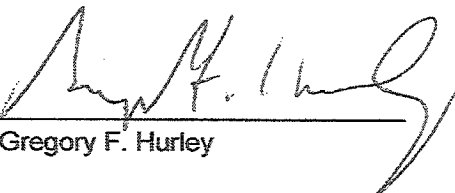
Defendant.
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GREGORY F. HURLEY. hereby declares, under penalty of perjury pursuant to 28
U.S.C. § 1746, as follows:

1. I am a plaintiff in this case and attest to the allegations in the complaint as true and accurate.
2. I loaned FusionTech, Inc. \$250,000 pursuant to the promissory note (hereinafter "note"). annexed hereto as Exhibit A. I was directed to wire the funds to TD Bank, N.A., 2 Wall Street, New York, NY 10005. **Account Name:** FusionTech, Inc. Private Placement Escrow Account.
3. Pursuant to the terms of the note, I was supposed to be paid back the full amount of my loan in the first tranche which was due on September 6, 2011.
4. FusionTech, Inc. defaulted on the note and to date remains in default.
5. FusionTech, Inc. did not pay and to date has not paid me back any portion of my loan to it.

6. I have been advised by my investment specialist FRANK DiMARTINI, who introduced me to this investment with FUSIONTECH, INC. that FUSIONTECH, INC. has directed its New York representative Robert Newman, to transfer the funds that are being held at TD Bank out of New York to Philadelphia where I fear that they are to be dispatched back to defendant's headquarters in China.
7. Defendant as far as I am aware conducts no other business in the United States and I fear that since they have already defaulted on two out of three of the tranche payments and are transferring their assets out of New York that without an order from this Court freezing the TD Bank account, I will never be paid back any portion of my loan to defendant.
8. I pray that this Court grant my application for an attachment to prevent me from losing the entire amount of my investment.

Dated: September 22, 2011


Gregory F. Hurley